

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Alvin Timothy BARKER II

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 20, 2021 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324 (a)(1)(A)(ii) and (v)(I)

Offense Description

Knowingly or in reckless disregard of the fact that an alien has come to, entered, or remained in the United States in violation of law, did knowingly transport and move, attempt to transport and move, and conspire with other persons known and unknown, to transport and move, such alien within the United States by means of transportation and otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

See attachment "A"

☒ Continued on the attached sheet./s/ Bryan Alvarez*Complainant's signature*Bryan Alvarez HSI Special Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/22/2021*Judge's signature*City and state: Laredo, TexasDiana Song Quiroga, US Magistrate Judge*Printed name and title*

ATTACHMENT "A"

1. On October 20, 2021, at approximately 6:44 pm, United States (U.S.) Immigration and Customs (ICE) Homeland Security Investigations (HSI) Laredo received information that a white tractor-trailer with the letters "SAKS" on the tractor door was going to be used to transport undocumented noncitizens (UDNCs) from Laredo, TX to an unknown location. HSI Special Agents (SAs) contacted United States Border Patrol (USBP) and passed the information and description to the checkpoints.
2. On October 20, 2021, at approximately 8:42pm, HSI Laredo received a request for investigative assistance from USBP Agents Border Patrol Checkpoint located on Interstate Highway 35 located at mile marker 29, in the Southern District of Texas in reference to a human smuggling event. HSI SAs responded to the United States Border Patrol station to conduct interviews.
3. HSI SAs responded to the checkpoint and interviewed BPAs. BPAs stated at approximately 8:05 pm, while working their assigned duties at to the checkpoint, a white tractor-trailer matching the description provided earlier approached the primary inspection lane. BPAs conducted an immigration check of the driver, later identified as, Alvin Timothy BARKER II, a United States Citizen (USC). During the immigration inspection, a BP service canine alerted to the presence of concealed humans or narcotics in the rear of the trailer. BPAs referred BARKER II to the secondary inspection location where the BP service canine again alerted to the presence of the concealed humans or narcotics. BPAs opened the sealed trailer and found multiple subjects inside. An immigration inspection revealed ninety-seven (97) undocumented noncitizens (UDNCs) concealed in the sealed trailer.
4. BARKER II was read his Miranda Rights in the English language and BARKER II waived his Miranda rights verbally but refused to sign the Miranda waiver. BARKER II asked SAs what he would be charged with, when SAs told him he was apprehended for human smuggling, BARKER II replied, he'd have to "wear that" charge. BARKER II would not disclose the total amount he was to be paid, but when SAs asked him if the amount was more or less than \$40,000 USD, BARKER II stated it was around that amount. BARKER II stated he did not know what was in the back but admitted to being an illegal truck driver and for the amount of money he was being paid he assumed it was one of three possible things. BARKER II did not disclose what he thought those three possible things could be.
5. German VASQUEZ-Luna and Cesar Andres MARTINEZ-Marmolejo, both foreign nationals of Mexico, admitted to illegally entering the United States by crossing the Rio Grande River to then be smuggled to various cities within the United States for various amounts of money and both subjects will be held as material witnesses in this case. All material witnesses indicated they did not see the driver of the tractor upon arrival. All material witnesses explained the doors to the trailer were closed by an unknown subject. Neither material witness saw the driver. VASQUEZ-Luna stated once the trailer doors had

closed, it took approximately 10 minutes before the tractor-trailer began to move, but the trailer-trailer did not make any stops until they were apprehended at the checkpoint.

MARTINEZ-Marmolejo stated once the trailer doors had closed, it took approximately 20 minutes before the tractor-trailer began to move, but the trailer-trailer did not make any stops until they were apprehended at the checkpoint.